

**Meeting of the States Parties to the Convention
on the Prohibition of the Development,
Production and Stockpiling of Bacteriological
(Biological) and Toxin Weapons and on Their
Destruction**

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Geneva, 1-5 December 2014

Meeting of Experts

Geneva, 4-8 August 2014

Item 8 of the provisional agenda

**Biennial item: how to strengthen implementation of Article VII,
including consideration of detailed procedures and mechanisms
for the provision of assistance and cooperation by States Parties**

**Previous agreements and understandings under the
Convention relevant to strengthening the implementation of
Article VII, including consideration of detailed procedures
and mechanisms for the provision of assistance and
cooperation by States Parties.**

Submitted by the Implementation Support Unit

Summary

The Seventh Review Conference decided that in 2014 and 2015 States Parties will consider how to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties. At the request of the Chairman, the Implementation Support Unit has compiled extracts of additional agreements from the Final Documents of past review conferences and common understandings from the Reports of previous Meetings of States Parties that might be relevant to strengthening implementation of Article VII.

INTRODUCTION

1. Article VII of the Convention determines that "Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention". This

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background information paper details the relevant additional agreements and common understandings identified by States Parties.

2. There are additional agreements and common understandings that address the implementation of Article VII, building relevant capacity, roles, and the relationship between health and security issues.

3. The additional agreements were reached at successive review conferences and are quoted from the relevant Final Documents:

- (a) Final Document of the First Review Conference (BWC/CONF.I/10)
- (b) Final Document of the Second Review Conference (BWC/CONF.II/13)
- (c) Final Document of the Third Review Conference (BWC/CONF.III/23)
- (d) Final Document of the Fourth Review Conference (BWC/CONF.IV/9)
- (e) Final Document of the Fifth Review Conference (BWC/CONF.V/17)
- (f) Final Document of the Sixth Review Conference (BWC/CONF.VI/6)
- (g) Final Document of the Seventh Review Conference (BWC/CONF.VII/7)

4. The common understandings were reached at the Meetings of States Parties and are quoted from the relevant Reports:

- (a) Report of the 2004 Meeting of States Parties (BWC/MSP/2004/3)
- (b) Report of the 2010 Meeting of States Parties (BWC/MSP/2010/6)

5. The source of each additional agreement is shown by a reference key in square brackets, in the form [C.A.P], where C is the number of the Review Conference (I,II, III, IV, VI, VII), A is the article of the Convention (I-XV), and P is the paragraph number. For example [VI.VII.35] refers to paragraph 35 of the Article VII section of the Final Declaration of the Sixth Review Conference. Common understandings are referenced individually.

ADDITIONAL AGREEMENTS

Implementation of Article VII

6. At the Third, Fourth, Sixth and Seventh Review Conferences, States Parties "took note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested". [VII.VII.33, VI.VII.33, IV.VII.3, III.VII.3]

7. The Sixth and Seventh Review Conferences noted "the willingness of States Parties, where appropriate, to provide or support assistance to any State Party which so requests, when that State Party has been exposed to danger or damage as a result of the use of bacteriological (biological) agents and toxins as weapons by anyone other than a State Party." [VII.VII.35, VI.VII.38]

8. At the Seventh Review Conference, States Parties underlined "the importance of the coordination of the provision of appropriate assistance, including expertise, information, protection, detection, decontamination, prophylactic and medical and other equipment that could be required to assist the States Parties in the event that a State Party is exposed to danger as a result of a violation of the Convention". [VII.VII.37]

Roles

9. The Third and Fourth Review Conferences considered that “in the event that this article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), could play a coordinating role”. [IV.VII.5, III.VII.4] The Sixth and Seventh Review Conferences considered that States Parties could also assist, as could other appropriate intergovernmental organizations, such as the World Organisation for Animal Health (OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC). [VII.VII.36, VI.VII.34]

10. At the Sixth Review Conference, States Parties noted “that State Parties’ national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons”. [VI.VII.35]

11. The Seventh Review Conference recognised:

(a) that States Parties bear the responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons” [VII.VII.34]; and

(b) “the value of further dialogue regarding appropriate means of coordination between States Parties and relevant international organizations.” [VII.VII.36]

12. States Parties also noted at the Seventh Review Conference “the need for States Parties to work nationally, and jointly, as appropriate, to improve, in accordance with their respective circumstances, national laws and regulations, their own disease surveillance and detection capacities for identifying and confirming the cause of outbreaks and cooperating, upon request, to build the capacity of other States Parties”. States Parties also noted that “the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease; such aims are compatible with the objectives of the Convention”. [VII.VII.39]

Health and security issues

13. “On the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons,” at the Seventh Review Conference States Parties:

(a) recognized “that in this regard health and security issues are interrelated at both the national and international levels”;

(b) highlighted “the importance of pursuing initiatives in this area through effective cooperation and sustainable partnerships”;

(c) noted “the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment”;

(d) recognised “that capabilities to detect, quickly and effectively respond to, and recover from, the alleged use of a biological or toxin weapon need to be in place before they are required”. [VII.VII.40]

COMMON UNDERSTANDINGS

Implementation of Article VII

14. At the 2010 Meeting of States Parties, it was recognized that “developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon is a complex task”, and that the following challenges existed:

- (a) “the need for clear procedures for submitting requests for assistance or for responding to a case of alleged use of biological or toxin weapons;
- (b) the need for additional resources in the human and animal health fields, and most acutely in the area of plant health, particularly in developing countries;
- (c) the potentially complex and sensitive interface between an international public health response and international security issues; and
- (d) the public health and humanitarian imperatives of a prompt and timely response.”¹

15. In 2010 “States Parties underlined the importance of assistance being provided promptly, upon request, to any State Party that has been exposed to a danger as a result of violation of the Convention. As national preparedness contributes to international capabilities and cooperation, States Parties recognised the importance of working to build their national capacities according to their specific needs and circumstances”.²

Building relevant capacity

16. In 2004 States Parties further “agreed on the value of [...] continuing to develop their own national capacities for response, investigation and mitigation, in cooperation with the relevant international and regional organisations, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same”.³

17. In 2010, States Parties noted “that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon”. Taking into account their commitments under Articles VII and X, in 2010 States Parties “emphasized the value of assisting other States Parties, including by:

- (a) enhancing relevant capabilities, including through promoting and facilitating the generation, transfer, and acquisition upon agreed terms, of new knowledge and technologies, consistent with national law and international agreements, as well as of materials and equipment;
- (b) strengthening human resources; identifying opportunities for collaborative research and sharing advances in science and technology;

¹ BWC/MSP/2010/6, paragraph 20.

² BWC/MSP/2010/6, paragraph 22.

³ BWC/MSP/2004/3, paragraph 21.

(c) sharing appropriate and effective practices for biorisk standards in laboratories handling biological agents and toxins".⁴

18. In 2010 States Parties recognized "the need to work, in accordance with their respective circumstances, national laws and regulations, to improve their own capacities in this area, and cooperating, upon request, to build the capacity of other States Parties. This could include the development of:

- (a) diagnostic capacity for relevant diseases;
- (b) tools for sampling, epidemiological intelligence and investigation;
- (c) diagnostic and detection techniques, tools and equipment;
- (d) adequate technical expertise;
- (e) international, regional and national laboratory networks;
- (f) relevant standards, standard operating procedures and best practices;
- (g) effective information-sharing; and
- (h) cooperation, especially with developing countries, on research and development of vaccines and diagnostic reagents, and between international reference laboratories and research institutions".⁵

Roles

19. In 2004, States Parties "recognized that:

- (a) infectious disease outbreaks can be contained and suppressed through early-detection, immediate response and co-operation and support at the national and international level;
- (b) strengthening and broadening national and international surveillance, detection, diagnosis and combating of infectious disease may support the object and purpose of the Convention;
- (c) the primary responsibility for surveillance, detection, diagnosis and combating of infectious diseases rests with States Parties, while the WHO, FAO and OIE have global responsibilities, within their mandates, in this regard. The respective structures, planning and activities of States Parties and the WHO, FAO and OIE should be co-ordinated with and complement one another;
- (d) scientific and technological developments have the potential to significantly improve disease surveillance and response".

20. The States Parties consequently agreed on the value of:

- (a) supporting the existing networks of relevant international organisations for the surveillance, detection, diagnosis and combating of infectious diseases and acting to strengthen the WHO, FAO and OIE programmes, within their mandates, for the continued development and strengthening of, and research into, rapid, effective and reliable activities for the surveillance, detection, diagnosis and combating of infectious diseases, including in cases of emergencies of international concern;

⁴ BWC/MSP/2010/6, paragraph 21.

⁵ BWC/MSP/2010/6, paragraph 23.

(b) improving, wherever possible, national and regional disease surveillance capabilities, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same;

(c) working to improve communication on disease surveillance, including with the WHO, FAO and OIE, and among States Parties.⁶

21. On the role to be played by the Convention in the provision of assistance and coordination with relevant organizations, affirming the consultation procedures agreed at previous Review Conferences, in 2010 States Parties also noted that "the Convention is an appropriate and capable instrument for:

(a) bilateral, regional or multilateral consultations for the provision of prompt and timely assistance, prior to an allegation of use being presented to the Security Council;

(b) developing clearer and more detailed procedures for submitting requests for assistance, and for promptly providing assistance following an allegation of use; and

(c) developing a comprehensive range of information on sources of assistance, and/or a mechanism to request assistance".⁷

22. The 2010 Meeting of States Parties "noted the role played by relevant international organisations, in close cooperation and coordination with the States Parties under the provisions of the Convention, in the provision of assistance and coordination, including, inter alia, the United Nations, the World Health Organization, the Food and Agriculture Organization, the World Organization for Animal Health, the World Customs Organization, and the International Criminal Police Organization. States Parties noted the value of encouraging these organizations to work together more closely, strictly within their respective mandates, to address specific relevant aspects of the threats posed by the use of biological and toxin weapons, and to assist States Parties to build their national capacities".⁸

Health and security issues

23. The 2004 Meeting of States Parties "recognized that:

(a) capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease promote the object and purpose of the Convention;

(b) States Parties' national preparedness and arrangements substantially contribute to international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;

(c) the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution A/Res/45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons".⁹

24. In 2010, States Parties noted that, "given the importance of investigating, and mitigating the potential impact of, an alleged use of biological or toxin weapons, States Parties noted the value of, in accordance with national laws and regulations: a coordinated government approach in emergency management; addressing the full range of possible

⁶ BWC/MSP/2004/3, Paragraph 18-19.

⁷ BWC/MSP/2010/6, Paragraph 26.

⁸ BWC/MSP/2010/6, Paragraph 28.

⁹ BWC/MSP/2004/3, Paragraph 20.

implications; establishing clear channels of communication and command; accessing expert advice; training and exercises; adopting a communication strategy; as well as enabling coordination across sectors through the provision of sufficient financing".¹⁰

25. States Parties also noted in 2010 that "an effective response requires efficient coordination among relevant actors, in particular ensuring a coordinated response from the law enforcement and health sectors. States Parties agreed on the value of working, in accordance with their national laws and regulations, to improve effective cooperation between these sectors, including by fostering mutual awareness, understanding, and improved information exchange, and by undertaking joint training activities".¹¹

¹⁰ BWC/MSP/2010/6, paragraph 24.

¹¹ BWC/MSP/2010/6, paragraph 25.